

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA**

SCOTT T. BALLOCK,

Plaintiff,

v.

**CIVIL ACTION NO.: 1:17-CV-52
Honorable Irene M. Keeley**

**ELLEN RUTH COSTLOW,
STATE TROOPER MICHAEL KIEF,
STATE TROOPER RONNIE M.
GASKINS, AND STATE TROOPER
CHRIS BERRY,**

Defendants.

**DEFENDANT ELLEN RUTH COSTLOW'S
MOTION FOR SUMMARY JUDGMENT**

Defendant Ellen Ruth Costlow, by counsel, hereby moves this Honorable Court, pursuant to Rule 56, *Federal Rules of Civil Procedure*, to grant her summary judgment on all claims alleged by the Plaintiff. As shown in the accompanying memorandum and exhibits, no genuine issue of material fact exists sufficient to permit the Plaintiff's claims to be heard by a jury. The Plaintiff cannot produce evidence from which a reasonable juror could find in his favor on any claim he alleges. Undisputed evidence will show that the Plaintiff was arrested upon probable cause in September 2013, and that he was dismissed from his employment with the FBI for reasons unrelated to the claims he alleges, entitling Ms. Costlow to summary judgment as to all counts as a matter of law. Therefore, the State Police Defendants are entitled to judgment as a matter of law. WHEREFORE, Ms. Costlow requests that this Honorable Court GRANTS her Motion and enters summary judgment in her favor as to all counts, and any other such relief that the Court finds in the interests of justice.

Dated this 8th day of July 2019.

RESPECTFULLY SUBMITTED,
ELLEN RUTH COSTLOW,
By counsel,

/s/ P. Todd Phillips

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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of July 2019, I electronically filed Defendant Ellen Ruth Costlow's Motion for Summary Judgment with the Clerk of the Court using CM/ECF system, which will send notification of such filing to the following:

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RESPECTFULLY SUBMITTED,

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